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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,649	01/16/2001	Kern E. Bryan	KBRY.01P	6263

23732 7590 06/26/2003

KENEHAN & LAMBERTSEN, LTD
1771 E. FLAMINGO ROAD
SUITE 211-B
LAS VEGAS, NV 89119-5154

EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 06/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,649

Applicant(s)

BRYAN, KERN E.

Examiner

Shay L Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 105 as stated on page 8 line 10. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Calvert (USPN 4819294).

Calvert teaches an applicator for a surface treatment device, such as a paint pad, comprising a rotatable mounting bracket (42) having a plurality of fixed angular positions and a locking mechanism for selecting one of the angular positions. There is a handle (14), with a handle extension (45, 46), attached to the rotatable mounting bracket as well as a surface treatment tool (10). The rotatable mounting bracket comprises an outer casing (50, 50a) wherein an angular locking plate (31) is received within the casing. There is a plurality of apertures (31a) formed at the angularly displaced locations. A positioning pin (76) is received within the casing and is biased against the locking plate to define the angular positions of the rotatable mounting

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bracket. There is a pivotal actuator (51) interconnected to the positioning pin wherein the actuator is located outside of the casing to allow access to an operator.

Claims 1-3, 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ampian (USPN 5207755).

Ampian teaches an applicator for a surface treatment device, such as a paint roller, comprising a rotatable mounting bracket having a plurality of fixed angular positions and a locking mechanism for selecting one of the angular positions (figure 4). There is a handle (12), with a handle extension (13), attached to the rotatable mounting bracket as well as a surface treatment tool (22). The rotatable mounting bracket comprises an outer casing (82) wherein an angular locking plate (80) is received within the casing. There is a plurality of apertures (86) formed at the angularly displaced locations. A positioning pin (102) is received within the casing and is biased against the locking plate to define the angular positions of the rotatable mounting bracket. There is a pivotal actuator (84) interconnected to the positioning pin wherein the actuator is located outside of the casing to allow access to an operator.

Claims 1-3, 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada (USPN 5706545).

Yamada teaches an applicator for a surface treatment device comprising a rotatable mounting bracket (48) having a plurality of fixed angular positions and a locking mechanism for selecting one of the angular positions. There is a handle (14) attached to the rotatable mounting bracket as well as a surface treatment tool (20). The rotatable mounting bracket comprises an outer casing (14a, 14b) wherein an angular locking plate (48b) is received within the casing. There is a plurality of apertures (48b', 48b'', 48b''') formed at the angularly displaced locations.

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A positioning pin (64) is received within the casing and is biased against the locking plate to define the angular positions of the rotatable mounting bracket. There is a pivotal actuator (62) interconnected to the positioning pin wherein the actuator is located outside of the casing to allow access to an operator.

Claims 1-4, 6-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu (USPN 6016586).

Hsu teaches an applicator for a surface treatment device comprising a rotatable mounting bracket (48) having a plurality of fixed angular positions and a locking mechanism for selecting one of the angular positions (figure 5). There is a handle (3), with a handle extension (4), attached to the rotatable mounting bracket as well as a surface treatment tool (1). The surface treatment tool is attached to the rotatable mounting bracket by a threaded extension (21) formed on the mounting bracket. The rotatable mounting bracket comprises an outer casing (31) wherein an angular locking plate (22) is received within the casing. There is a plurality of apertures (222) formed at the angularly displaced locations. A positioning pin (223) is received within the casing and is biased against the locking plate to define the angular positions of the rotatable mounting bracket. There is a pivotal actuator (33) interconnected to the positioning pin wherein the actuator is located outside of the casing to allow access to an operator.

Claims 1-2, 5, 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Seufert (USPN 3795933).

Seufert teaches an applicator for a surface treatment device comprising a rotatable mounting bracket (28) having a plurality of fixed angular positions and a locking mechanism for selecting one of the angular positions. There is a handle (21), attached to the rotatable mounting

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bracket as well as a surface treatment tool (20). The rotatable mounting bracket comprises an outer casing (75) wherein an angular locking plate (84) is received within the casing. There is a plurality of apertures (82) formed at the angularly displaced locations. A positioning pin (81) is received within the casing and is biased against the locking plate to define the angular positions of the rotatable mounting bracket.

Claims 1, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Cerveny (USPN 6088868).

Cerveny teaches an applicator for a surface treatment device comprising a rotatable mounting bracket (5) having a plurality of fixed angular positions (6) and a locking mechanism for selecting one of the angular positions (11). There is a handle (3) attached to the rotatable mounting bracket as well as a surface treatment tool (8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ampian (USPN 5207755) in view of Hsu (USPN 6016586).

Ampian teaches all the essential elements of the claimed invention however the reference fails to teach that the surface treatment tool is attached to the mounting bracket by means of a threaded extension. Hsu teaches using a threaded extension as a means for attaching a surface treating tool. Ampian and Hsu are analogous art because they are from the same field of

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endeavor of tools with adjustable means. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to attach Ampian's surface treatment tool to the rotatable bracket by means of a threaded member. The motivation for doing so would have been to allow the handle to be used with many other surface treating tools. In addition, it would allow for ease of cleaning each individual surface treating tool, without having to clean the entire apparatus.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 703-305-7275. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 703-308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

slb
June 17, 2003


ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700